



Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, on Wednesday the
11th March 1908
28th Maasi 1083 at 3 P. M.

PRESENT

Dewan Bahadur P. Rajagopala Chari, Esquire,

Dewan—Presiding.

A. Govinda Pillai, Esq., B. A. & B. L.

V. I. Kesava Pillai, Esq., M. A.

S. Padmanabha Iyer, Esq., M. A.

A. J. Vieyra, Esq., B. A.

R. Ananda Rao, Esq., B. A. & B. L.

K. P. Sankara Menon, Esq., B. A. & B. L.

P. Raman Tampi, Esq., B. A. & M. L.

M. Udaya Varma Raja, Esq., B. A.

K. K. Kuruvila, Esq., B. C. L.

K. Narayanan Pandalay, Esq., B. A. & B. L.

Secretary.

Secretary.—I beg to announce that Mr. K. P. Sankara Menon, B. A. & B. L., appointed as an Official Member of the Council, took his seat to-day.

The Secretary then read the letter from Mr. S. Subramony Iyer expressing his inability to attend the meeting.

THE TRAVANCORE TREASURE TROVE BILL.

Mr. Sankara Menon.—I beg for leave to introduce the Treasure Trove Bill at next meeting of the Council.

Seconded by Mr. Ananda Rao.

Permission was granted accordingly.

THE FACTORIES BILL.

Mr. Ananda Rao.—Sir, I would request Mr. Sankara Menon to apply for permission to introduce the Factories Bill also.

Mr. Sankara Menon.—I beg permission of the Council to introduce the Bill at the next meeting.

Seconded by Mr. Vieyra.

Permission was granted accordingly.

THE CIVIL COURTS BILL.

Mr. Ananda Rao.—Mr. President and Gentlemen :—The present constitution of the Civil Courts of the State is based upon Regulation I of 1057, as amended by Regulations III of 1066 and I of 1077. It has been repeatedly brought to the notice of Government that the work in the Civil Courts is congested and that provision should be made for its relief. Towards the accomplishment of this object, a Civil Courts Amendment Regulation was introduced at a meeting of the Council held on the 16th September 1905. The then proposed Bill somehow fell through at the meeting of the Council held on 9th June 1906.

The evil complained of, namely, the congested nature of the work in the Civil Courts of the State, has been waxing stronger and stronger and it has become absolutely necessary that some remedy should be immediately sought for and applied. With this object in view, an amending Regulation affecting the Civil Courts in the State has been drawn up, which I now introduce in the Council.

I do not expect that there can be two opinions as regards the necessity for affording relief to our congested Civil Courts. The present Bill aims at supplying this want, and so far as its principle is concerned, I believe I am not hoping too much when I say that all of us will be agreed in approving of it, whatever may be individual opinions concerning its several provisions. I move therefore for discussion of the general principle of the Bill.

Seconded by Mr. Govinda Pillai.

Mr. Raman Tampi.—As I see in the statement of objects and reasons to the Bill, the principal proposals made in the present Bill are (1) to enhance the Small Cause jurisdiction of Munsiffs, (2) to raise their ordinary jurisdiction, (3) to remove an anomaly in regard to appeals in suits of above Rs. 500 in value disposed of by Munsiffs, which now lie direct to the High Court. And now I learn from the speech of the Mover that the main object of the Bill is to relieve the congestion of the work in the Civil Courts and this is proposed to be done by the changes suggested.

We know that, as a Small Cause Court Judge, a Munsiff is compelled to dispose of 30 or 40 suits in an hour and in most cases no appeal whatever lies from the decisions, and a revision only lies on points of law. It is almost tantamount to committing the small wealth of the ordinary day-labourers and poor citizens to the hands of gentlemen who have neither the leisure nor the opportunity to satisfactorily deal with the justice or injustice of their claims. I would therefore object to the enhancement of the Small Cause Jurisdiction of the Munsiffs. It seems to me that by enhancing the ordinary civil jurisdiction of the Munsiffs, we are making it more easy for the litigiously inclined public to avail themselves of the means at their disposal. This is not desirable.

I may also say that the advantage of having an appeal heard by a bench of two judges in the High Court is one the value of which we cannot exaggerate. In the case of an appeal which is taken directly to the District Court, we have got only one judge to hear the appeal.

Moreover, in the interests of the litigant public, there is another advantage, viz., that litigation is made less expensive. In the case of an appeal preferred by a party to the Zillah Court, whether or not he has a chance of winning it, he almost always wants to take a second appeal to the High Court.

For these reasons, Sir, I beg to oppose the motion for the affirmation of the principle of the Bill.